

# Interview Summary

Application No.

09/053 040

Applicant(s)

KUDO, ISAQ

Examiner

Karl D Frech

Art Unit

2876

All participants (applicant, applicant's representative, PTO personnel):

(1) Karl D Frech

(3) \_\_\_\_\_

(2) Norman Kunitz

(4) \_\_\_\_\_

Date of Interview: 31 January 2002

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: n/a

Identification of prior art discussed: n/a

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr Kunitz informed the examiner that due to the irradiation process of the Brentwood Mail Facility, an official office action (paper number 18) which was mailed by the USP/ O on 12/13/01 had not reached the Applicant's Attorney until 1/18/02 and thus Applicant's counsel requested a restart of the time period of response to be reset at 1/18/02. The examiner agreed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked)

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04) If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action

Examiner's signature, if required

## Summary of Record of Interview Requirements

**Manual of Patent Examining Procedure (MPEP), Section 713.04, Substantive Interview.** A complete written statement as to the substance of any face-to-face video conference or telephone interview with regard to an application must be made of record in the interview.

**Interview Must Be Made of Record.** A complete written statement of the results presented at the interview as to the substance of any face-to-face video conference or telephone interview with regard to an application must be made of record in the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

In every instance where reconsideration is requested in part of an interview's substance, a complete written statement of the results presented at the interview as to the substance of any face-to-face video conference or telephone interview with regard to an application must be made of record in the interview.

**Paragraph (b)** If an examiner, a complete written statement of the results presented at the interview as to the substance of any face-to-face video conference or telephone interview with regard to an application must be made of record in the interview.

### 37 CFR § 1.2. Business of the Patent and Trademark Office

All business with the Patent or Trademark Office should be transacted in writing. The Patent Office is unnecessary. The action of the Patent and Trademark Office on any alleged oral promise, stipulation, or understanding in relation to which the

business of the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which the

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

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It is the responsibility of the applicant or the attorney or agent of the applicant to make the substance of any face-to-face video conference or telephone interview with regard to an application must be made of record in the interview.

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Examiners must complete an Interview Summary Form for each interview by checking the appropriate boxes and filling in the blanks. The requirements for which interview recordation is otherwise provided for in the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the substance of an interview is completely recorded in an Examiners' Action.

Each interview held where a matter of substance has been discussed during the interview. Discussions regarding only procedural matters, directed solely to restriction in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the substance of an interview is completely recorded in an Examiners' Action. Where the substance of an interview is completely recorded in an Examiners' Action, no separate Interview Summary Record is required. The Interview Summary Form shall be given an appropriate number and placed in the right hand portion of the file and listed on the date of the Form is given to the applicant (or attorney or agent) at the time of the interview. The copy is mailed to the applicant's correspondence address. If additional circumstances dictate the Form should be mailed promptly after the interview rather than with the next official communication.

The Interview Summary Form shall be given an appropriate number and placed in the right hand portion of the file and listed on the date of the Form is given to the applicant (or attorney or agent) at the time of the interview. The copy is mailed to the applicant's correspondence address. If additional circumstances dictate the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, or other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or referred to
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and the substance of the agreement
- Attachment of a copy of amendments or claims agreed to
- Restriction of further action by the examiner to the content of the interview
- The signature of the examiner who conducted the interview

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ner, other PTO personnel, etc.)  
emonstration conducted

It is desirable that the examiner orally remind the applicant of the substance of the interview unless both applicant and examiner agree that the examiner will rely on the written record of the interview. In the case of a telephone or video conference interview, the copy is mailed to the applicant's correspondence address. If additional circumstances dictate the Form should be mailed promptly after the interview rather than with the next official communication.

on, a description of the general nature of the agreement (may be by being allowable). Note: Agreement as to allowability is tentative and does not constitute a final determination of the patentability of the invention. If (Form is not an attachment to a signed Office action)

It should be noted, however, that the Interview Summary Form is required unless it includes, or is supplemented by the applicant's written statement of the substance of the interview.

is or her obligation to record the substance of the interview of each case. Where the examiner agrees to record the substance of the interview Form, the examiner should check the appropriate box at the bottom of the Form of the substance of the interview as a supplement to the Form is not

A complete and proper recordation of the substance of a

- 1) A brief description of the nature of any exhibit shown
- 2) An identification of the claims discussed
- 3) An identification of the specific prior art discussed
- 4) An identification of the principal proposed amendments
- 5) A brief identification of the general thrust of the principal arguments presented to the examiner.

(The identification of arguments need not be elaborated. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the substance of the interview. The examiner should describe those arguments which he or she feels are particularly persuasive to the examiner.)

will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant's written statement of the substance of the interview.

Interview should include at least the following applicable items:  
1. Demonstration conducted

substantive nature discussed, unless these are already described on the Interview Summary Form. Where the examiner agrees to record the substance of the interview Form, the examiner should check the appropriate box at the bottom of the Form of the substance of the interview as a supplement to the Form is not

Examiners are expected to carefully review the applicant's written statement of the substance of the interview unless it includes, or is supplemented by the applicant's written statement of the substance of the interview.

ard of the substance of an interview. If the record is not complete and the examiner should check the appropriate box at the bottom of the Form of the substance of the interview as a supplement to the Form is not

### Examiner's Check for Accuracy

### Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the substance of the interview. The examiner should place the indication "Interview Record OK" on the examiner's initials.

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